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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/730,538
Filing Date: December 07, 2000
Appellant(s): CLENDINNING ET AL.

Mark R. Vatuone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/7/1007 appealing from the Office action mailed 2/28/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

09/731019 Affirm

09/734045 Pending

09/412893 Pending

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,950,173

Perkowski

9-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

Claims 1-19, 21, 23-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkowski (U.S. Patent 5,950,173).

Claim 1: Figures 4A1, 4A2 and 4B illustrate a relational table that form part of a database. The identifiers are the column headings, such as "Registrant's Name" and "Product Description". For each identified product (which is listed in each row) a plurality of product attributes are provided, such as a company name, a company product model, a trademark, and a URL where the user can obtain more information about that product. Column 25, lines 1-64 describe five different data collector mechanisms which are capable of collecting data for building the relational database. Each described data collector retrieves data from sources and normalizes the data by inserting the data into the predefined columns of the tables in FIGS. 4A1, 4A2 and 4B. The information which is collected is attribute information for a product. For example, in FIG. 4A1, the product in the third row is tooth paste and one of its several attributes is the trademark "Crest". The association of the "Crest" Trademark with "Tooth Paste" product is one example of a first attribute--value pairing in the data. The normalization engine is the processor which populates the tables of FIGS 4A1, 4A2 and 4B with data identified by the data collector. Each row of the table includes first attribute, such as the Trademark "Crest", a value associated with that attribute, such as the Product Description "ToothPaste" and second attribute associated with the first attribute,

such as the Registration Name "Proctor & Gamble". The second attribute is a canonical representation of the other attributes in the sense that it is an alternative representation associated with the other attributes and is made in accordance with a canon (a relation, such as a relational table).

Claim 2: The identifiers shown in the tables of FIGS 4A1, 4A2 and 4B include manufacturer's identifiers, such as trademarks and part numbers, such as serial numbers (column marked "IP/SN"). The part numbers may be referred to as a "distributor part number", as well as a manufacturer part number by reason that the manufacturer may also be considered a distributor.

Claim 3: Features of the product are stored in a product description field as shown in FIG. 4A1, and a product specification field as shown in FIG. 4A2.

Claim 4: Each product illustrated in the tables of FIGS. 4A1, 4A2 and 4B includes an "IP/SN" which appears to be a unique product serial number.

Claim 5: The tables of FIGS 4A1, 4A2 and 4B define a relational database. As in any relational database, any row of the database is a tuple. Claim 6: The database is controlled by SQL or formed on an SQL server (col. 12, line 45).

Claim 7: The database may be replicated in various servers (such as 11 and 12) as part of a distributed network (FIG. 2A1).

Claim 8: The distributed network may be the Internet (col. 11, line 18).

Claim 9: Any server in the system of FIG. 2A1 may be read as "third party servers" since they are separate from the facilities of the clients (clcn) and the manufacturers who provide the data.

Claim 10: Perkowski discloses the concept of gathering product information from diverse manufacturers and loading the product data into a database, as illustrated by the tables of FIGS. 4A1, 4A2 and 4B.

For products that are already in the database, col. 25, lines 47-54 describe a procedure where product information, such as the URL, can be updated. FIG. 4A2 illustrates a column (third from left) where the updated URL information is held. A second column (first from left) has the original URL. Accordingly, FIG. 4A2 establishes a representation of data (a table) that includes new attribute

information (updated URL) related to an alias (original URL). This relationship between the updated URL and original URL can be defined as an attribute--value pairing. The registrant's name can be a second attribute. The second attribute is a canonical representation of the other attributes in the sense that it is an alternative representation associated with the other attributes and is made in accordance with a canon (a relation, such as a relational table).

For products that are not already in the database, the gathered data is formatted into the database and stored in the relational tables of FIGS. 4A1, 4A2 and 4B. This data includes product identifiers and product information laid out in relational tables.

Claim 11: See remarks for claim 9.

Claim 12: The information gathered by the system on Perkowski includes general descriptions, user ratings and reviews, general descriptions, vendors, prices and profiles (See FIGS. 4A1, 4A2 and 4B. The user can be displayed any of the information associated with a given product when a query for that product is made (col. 31, lines 5-26 and col. 31, lines 50-65). The data is transformed (placed into the tables of FIGS. 4A1, 4A2, 4B). Both the raw data and the transformed data populated into the tables have attribute--value pairings. For example, the association between the trademark "Crest" and "Toothpaste" is a first attribute-value pairing. A second attribute is associated with the first attribute, such as the Registration Name "Proctor & Gamble". The second attribute is a canonical representation of the other attributes in the sense that it is an alternative representation associated with the other attributes and is made in accordance with a canon (a relation, such as a relational table).

Claim 13-15: When the user makes a query for a product, the user can be displayed a product/service list ("specifications" of col. 31, line 9); a class list ("incentives" of col. 31, line 14); and a feature list ("operations descriptions" of col. 31, line 11). The user can input selections for any one of these forms of feedback ("electronic data transactions screens" col. 31, line 14).

Claim 16: The user can be presented a picture of the product ("product simulation" col. 31, line 11).

Claim 17: The user can add information via updates (update field of FIG. 4A2).

Claim 18: The user can add ratings (product review information field of FIG. 4A2).

Claim 19: The reviews can comprise a plurality of reviews, either for one product or a collection of reviews based upon multiple products.

Claim 21: The character string associated with the product description can be linked to unique integer identifiers, such as serial numbers (FIG. 4A1). The tables of FIGS. 4A1, 4A2 and 4B, constitute a file and client queries involve traversing the data in this file.

Claim 23: See remarks for claim 10. Claim 24: See remarks for claim 12. Claim 26: See remarks for claim 1.

(10) Response to Argument

Appellant argues that Perkowski does not disclose translating a first attribute to a second attribute.

Examiner disagrees. This argument is not correct. In FIGS. 4A1, 4A2 and 4B, Perkowski presents a relational table having rows and columns. Each row of data has attributes, such as "Crest" and "Proctor and Gamble and values, such as "ToothPaste". Any given first attribute is translated to a second attribute by being associated in the table with the first attribute as disclosed in Col. 9, lines 39-48, wherein the Information Field of the IPI which corresponds to the first attribute is in fact translated into a Product Advertisement Information Field, the Product Specification Information Field which corresponds to the second attribute. Furthermore, referring to Fig. 5A, Fig. 5B and Col. 9, 10, lines 60-67, and 1-9 respectively, wherein the high level structure is shown for a first-type of communication protocol that can be used among a Client System C.sub.a, an IPD Server S.sub.b, and an IPI Server S.sub.c of the IPI finding and serving subsystem hereof when the GUI browser program on the Client System is in its IPI Find Mode of operation. Therefore, Perkowski discloses the translation of a first attribute to a second attribute. The nature of the translation is not defined in the claims, so the only requirement is that some

manner of translation exists. Applicant also argues that Perkowski does not disclose translation in response to identifying. The identification of an attribute is the action of the data collector is identifying data used to populate the data tables of FIGS. 4A1, 4A2 and 4B. In support of the arguments to claim 10, applicant also points to a quotation from col. 9, lines 26-35 of Perkowski. However, since the examiner is not relying on this quotation for support of the rejection, the discussion at this quotation is moot. It is additionally noted that the independent claims of record do not elaborate on the nature of the translation. Merely reciting that the translation is made from a first attribute to a second attribute only indicates the results of the translation, without giving any indication as to how the translation is performed. Accordingly, the term translation can be interpreted broadly as any manner of conversion resulting in at least two attributes. Furthermore the term attribute was give the broadest reasonable interpretation the database art, and was not tied only to the definition provided in the specification.

Applicant's position with respect to the remaining independent claims is recited to be analogous to the position for claim 10.

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

An Appeal conference was held on April 16, 2008 with conferees:

Sana AL-Hashemi (Primary Examiner), Vincent Trans (WQAS), and Charles Rones
(SPE)

Respectfully submitted,

Art Unit: 2164

SA

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5/20/09